

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Steven Cory Brown, #220114,	) C/A No. 8:11-1057-DCN-JDA
<i>a.k.a. Steven Brown,</i>	)
Plaintiff,	)
	)
vs.	) <b>Report and Recommendation</b>
	)
Warden Eagleton, Evans Correctional Institution,	)
	)
Defendant.	)
	)

---

Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, seeks relief pursuant to Title 42, United States Code, Section 1983. This matter is before the Court on motion of Plaintiff to dismiss the case.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., the undersigned United States Magistrate Judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and to submit findings and recommendations to the District Court.

Plaintiff moves for voluntary dismissal of the case, (ECF No. 9), acknowledging that he has not exhausted the administrative grievance process required by the Prison Litigation Reform Act, before an action may be brought in this District Court. A Proper Form Order (ECF No. 7) was filed on May 4, 2011, giving Plaintiff until May 31, 2011 to bring the case into proper form. In response, Plaintiff has filed this motion to dismiss.

Accordingly, it is recommended that Plaintiff's motion (ECF No. 9) be granted and this action be dismissed without prejudice.

s/Jacquelyn D. Austin  
Jacquelyn D. Austin  
United States Magistrate Judge

May 16, 2011  
Greenville, South Carolina

### **Notice of Right to File Objections to Report and Recommendation**

The petitioner is advised that he may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Larry W. Propes, Clerk of Court  
United States District Court  
300 East Washington Street — Room 239  
Greenville, South Carolina 29601**

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).